

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

JEVON ECTOR,
on behalf of herself and all others
similarly situated,

Plaintiffs,

v.

CITY OF MARKHAM,

Defendant.

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)
) 07 CV 6116
)
) Judge Grady
)
) Magistrate Judge Ashman
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)

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff, Jevon Ector, on behalf of herself and all others similarly situated, (the “Plaintiff”), and Defendant, City of Markham, (collectively the “Parties”) respectfully request that this Court enter an order: (1) certifying a class for settlement purposes; (2) preliminarily approving the proposed Settlement Agreement, attached hereto as Exhibit A; (3) directing notice to the Class; and (4) setting dates for opt-outs, objections, and a final fairness hearing pursuant to Federal Rule of Civil Procedure 23(c)(2).

In support of their motion, the Parties state:

1. Counsel for the Parties have reviewed and analyzed the complex legal and factual issues presented in this action, and the risks and expense involved in pursuing the litigation to conclusion.

2. Based upon this review and analysis, the Parties embarked upon comprehensive settlement discussions. On May 27, 2008, this Court held a Rule 16 Conference. At the conference, the parties reached a settlement agreement, which the Court approved, finding that the settlement agreement was a fair and equitable resolution of this dispute. The parties

subsequently executed a Class Action Settlement Agreement and Release (the "Settlement Agreement"), attached as Exhibit A.

3. Under the terms of the Class Action Settlement Agreement and subject to Court approval:

a. Defendant agrees to pay to the Class \$45,000.00, inclusive of \$15,000.00 in class attorneys' fees and costs and \$1,000.00 to Jevon Ector for her services as class representative.

b. Defendant must pay all costs associated with sending notice and administering the claims of the class.

c. Defendant must cause Class Notice to be published by: (1) first class mail to those individuals that can be identified; and (2) by publication in local newspaper The Daily Southtown. Settlement checks, as required, must be mailed by first class mail. Defendant must pay all fees and costs associated with notice and distribution of funds to the Class.

4. Counsel for Plaintiff and the proposed class believe that the settlement of this action on the terms and conditions set forth in the Settlement Agreement is fair, reasonable, and adequate, and would be in the best interests of the members of the proposed class.

5. In connection with the proposed settlement, the Parties move the Court to certify the following class for settlement purposes only:

All persons or entities that have been charged more than \$5.00 for an accident report by the City of Markham Police Department from October 29, 2002 to the present, unless the report was investigated by an accident reconstructionist, in which case, any person that was charged more than \$20.00 for an accident reconstructionist investigated accident report.

6. The Parties desire to settle and compromise the litigation on the terms and conditions embodied in the Class Settlement Agreement if the Court certifies the class described in paragraph 5 above.

7. The Parties have agreed on the form of notice to be sent to the Class, attached as Exhibit 2 to the Settlement Agreement.

8. The Parties have agreed on the proposed preliminary approval order and final approval order, attached as Exhibits 4 and 5 to the Settlement Agreement, respectively.

WHEREFORE, the Parties respectfully request that the Court enter an order: (1) certifying the class for settlement purposes only; (2) preliminarily approving the proposed Class Settlement Agreement; (3) directing notice to be sent to the Class; and (4) setting dates for opt-outs, objections, and a final fairness hearing under Federal Rule of Civil Procedure 23(c)(2).

Respectfully submitted,

Dated: July 28, 2008

For the Defendant, City of Markham.

By: /s/ Misty R. Martin
Misty R. Martin, Esq.

Kathleen McDonough
Misty R. Martin
Segal McCambridge Singer & Mahoney
Sears Tower – Suite 5500
233 South Wacker Drive
Chicago, Illinois 60606
(312) 645-7800

*For the Plaintiff, Jevon Ector,
on behalf of herself and all others similarly situated,*

By: /s/ Stacy M. Bardo
Stacy M. Bardo, Esq.

Lance A. Raphael, Esq.
Stacy M. Bardo, Esq.
THE CONSUMER ADVOCACY CENTER, P.C.
180 W. Washington, Suite 700
Chicago, IL 60602
Phone: (312) 782-5808
Fax: (312) 377-9930

Aron D. Robinson, Esq.
LAW OFFICE OF ARON D. ROBINSON
19 S. LaSalle St., Suite 1300
Chicago, IL 60603
Phone: (312) 857-9050
Fax: (312) 857-9054